

EXHIBIT 6

1 UNITED STATES BANKRUPTCY COURT
2 SOUTHERN DISTRICT OF NEW YORK
3

4 In re:)

5 SECURITIES INVESTOR)

6 PROTECTION CORPORATION,)

7 Plaintiff-Applicant,)

8 vs.) 08-01789 (SMB)

9 BERNARD L. MADOFF)

10 INVESTMENT SECURITIES, LLC,)

11 Defendant.)

12 In Re:)

13 BERNARD L. MADOFF,)

14 Debtor.)

15
16 Videotaped Deposition of BERNARD L.
17 MADOFF, VOLUME II, taken on behalf of the Customers,
18 before K. Denise Neal, Registered Professional
19 Reporter and Notary Public, at the Federal
20 Correctional Institution, 3000 Old Highway 75,
21 Butner, North Carolina, on the 27th day of April,
22 2017, commencing at 9:11 a.m.
23
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25

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1 and you're long convertible bonds, uh-huh.

2 Q. Okay. So that means that you're still
3 holding them since the 6-30, the 6-7 and 6-8
4 transactions?

5 A. Correct.

6 Q. Okay. And again, the price there under the
7 close-out is a mark to market price?

8 A. I'm assuming that they're mark to market
9 prices. You know, I'm not sure going back into '83
10 how they handled the -- whether they actually mark
11 to market at that stage or they just carried it
12 forward at the same price that it was bought at. I
13 don't know.

14 Q. Aren't you supposed to tell the customer
15 what their market value is?

16 A. No.

17 Q. And their positions?

18 A. No. You're not -- you're not obligated to
19 tell them. You're obligated to tell them -- you
20 know, obviously, what you wouldn't be able to do was
21 put a price on it that was totally unrelated to the
22 market, that would be unrealistic to the market
23 price; but typically our systems, you know, I'm
24 assuming that they were the same in '83 or, you
25 know, as they were, you know, at a later date. They

1 get mark to market by the system.

2 Q. Okay.

3 A. So that's why, you know, typically I've had
4 no reason to believe that it wasn't handled that way
5 in '83, but I can't tell you for sure.

6 Q. Again, would that be Annette or one of her
7 people doing this operational work?

8 A. It would be the -- it depends upon whether
9 the system did this or they did it manually.

10 Q. Okay. But would Annette Bongiorno be
11 responsible for the operational --

12 A. Someone in the -- well, someone in that
13 department. Back in '83, you know, there were
14 different people. It could have been Dan Bonventry,
15 you know. I don't know.

16 Q. Right. Let's go to the next statement.
17 This is August 31, '83 and there are three entries
18 there on August 8th. Do you see them?

19 A. And by the way, let me just correct
20 something so you know. Annette Bongiorno is
21 basically a bookkeeper. She's not really what we
22 would deem to be a senior operations person,
23 particularly in 1983. She's more of a bookkeeper
24 clerk. She's not a systems person or she's not a
25 cashier, an operations person.

1 Q. Let me clarify that then because when I
2 asked you earlier who would be responsible, you told
3 me Annette. Is there someone else who would have
4 been responsible?

5 A. She's responsible for the client. She
6 handles the client business. She doesn't -- like
7 she's not in the back office type of an operations
8 that receive or deliver or even the mark to the
9 market. That's not something that she would handle.

10 Q. In this '83/'84 time frame --

11 A. At any time.

12 Q. I understand that, but my question was
13 going to be in that time frame who would have been
14 that back office person?

15 A. I don't remember. It could have been Dan
16 Bonventry. It could have been, you know, Irwin
17 Lipkin. It could have been, you know, Sylvia
18 Hendel.

19 Q. All right. Let's turn as I was just going
20 to to August 31, 1983. Again, this purports to be a
21 statement for Leonard Alpern of that date. If you
22 would look at the entries for August 8th and tell me
23 what they represent to you?

24 A. August 8th?

25 Q. Yep.

1 MR. SHEEHAN: I'm sorry.

2 MS. CHAITMAN: Which line are you looking
3 at?

4 MR. SHEEHAN: I apologize. It's 6-15.

5 THE WITNESS: Okay.

6 MR. SHEEHAN: I'm looking at the wrong
7 line. I apologize.

8 MS. CHAITMAN: Okay. 6-15, okay.

9 Q. (By Mr. Sheehan) Yeah. 6-15, do you see
10 fractional shares?

11 A. Uh-huh.

12 Q. See that? Would that indicate to you that
13 it had been converted?

14 A. I'm responding the same way I said before.
15 I don't know whether it was converted or whether --
16 I don't know how they handled the fractional shares.

17 Q. And do you have an explanation of why you
18 would have fractional shares showing on 6-15 when,
19 in fact, the preferred wasn't delivered until 8-8?

20 A. I can't respond to that. I don't know how
21 they handled that. I'm not an operations person.

22 MR. SHEEHAN: Okay. All right.

23 (Discussion off the record.)

24 MR. GOLDMAN: I can see.

25 Q. (By Mr. Sheehan) Yesterday Ms. Chaitman